

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EDWARD A. GIVEN,

Petitioner,

v.

ROBERT MURPHY,

Respondent.

Civil Action No. 05-11663-NMG

**RESPONDENT ROBERT MURPHY’S MOTION FOR ENLARGEMENT OF TIME
WITHIN WHICH TO RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

Respondent Robert Murphy hereby respectfully moves this Court to enlarge until January 20, 2006 the time within which he must answer or otherwise respond to Petitioner Edward A. Given’s petition for a writ of habeas corpus. In support of this Motion, Respondent states as follows:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires Respondent to answer each allegation of Given’s petition and state whether he has exhausted his available State-court remedies. The Rule also requires that Respondent indicate what transcripts or parts of State-court proceedings are available.

2. Similarly, the Court’s Order dated November 15, 2005 “requests the Respondent, as part of the return, to file such documents which reflect on the issue as to whether Petitioner(s) exhausted available state remedies with respect to the matters raised by the Petition.”

3. To comply with Rule 5 and the Court’s Order, counsel for Respondent has requested records relating to civil commitment at issue in Given’s petition from the Worcester County District Attorney’s Office. After these documents are received, counsel for Respondent

must review these documents in order to prepare an appropriate response to Given's petition and file documentation which reflects on the issue as to whether Given has exhausted available State remedies.

4. Respondent's response is currently due on December 6, 2005.

5. No previous application for an enlargement of time to answer or otherwise respond to Given's petition has been made to the Court.

6. Allowance of this Motion will enable counsel for Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, Respondent Robert Murphy respectfully requests that the Court enlarge the time within which he must answer or otherwise respond to Given's petition for a writ of habeas corpus until January 20, 2006.

Respectfully submitted,

ROBERT MURPHY,

By his attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Scott A. Katz
Scott A. Katz (BBO # 655681)
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2833

Dated: December 5, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that Petitioner is currently held at the Massachusetts Treatment Center, and is not represented by counsel, rendering pre-filing conference impracticable.

/s/ Scott A. Katz
Scott A. Katz

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner Edward A. Given, Massachusetts Treatment Center, 30 Administration Road, Bridgewater, MA 02324-3230 by first-class mail, postage prepaid, on December 5, 2005.

/s/ Scott A. Katz
Scott A. Katz